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05/26/2023

### **Corporation Served**

Document ID - 23-SMCC-846; Served To - WENTZVILLE SCHOOL DISTRICT INTERSTATE DR; Server - ST CHARLES COUNTY SHERIFF; Served Date - 05/24/2023; Served Time - 15:59:00; Service Type - SD; Reason Description - SERV; Service Text - ACCEPTED BY M. KERTZMAN, COR

### 05/24/2023

#### **Summons Returned Non-Est**

Document ID - 23-SMCC-847; Served To - MEGANSUTTON; Server - ST CHARLES COUNTY SHERIFF; Served Date - 05/24/2023; Served Time - 08:53:00; Service Type - SD; Reason Description - NEST; Service Text -

Note to Clerk eFiling Notice of Service

SUMMONS NON EST ON MEGAN SUTTON; Electronic Filing Certificate of Service.

**Notice of Service** 

SUMMONS SERVED ON WENTZVILLE SCHOOL DISTRICT; Electronic Filing Certificate of Service.

### 05/03/2023

### **Order Appt Next of Friend**

ASHLYN HENRY APPOINTED NEXT FRIEND OF MINOR L.H.; SO ORDERED RNM/jbm

Filed By: REBECA NAVARRO-MCKELVEY

Associated Entries: 05/01/2023 -

Petition:

+

### 05/01/2023

### Petition:

Petition for Appointment of Next Friend.

Filed By: DANIEL J RHOADS

On Behalf Of: ASHLYN HENRY, L H Associated Entries: 05/03/2023 -

**Order Appt Next of Friend** 

### 04/24/2023

### Judge/Clerk - Note

PLEASE IN THE FUTURE ENTER ALL PARTIES IN THE ORDER THAT THEY APPEAR ON THE PETITION. THANK YOU MLM. Summons Issued-Circuit

Document ID: 23-SMCC-847, for SUTTON, MEGAN. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. MLM

**Summons Issued-Circuit** 

Document ID: 23-SMCC-846, for WENTZVILLE SCHOOL DISTRICT INTERSTATE DR.

### 04/21/2023

### Filing Info Sheet eFiling

Filed By: DANIEL J RHOADS

**Proposed Order Filed** 

Proposed Order GRANTING LEAVE TO USE INTITIALS FOR MINOR PARTIES

Filed By: DANIEL J RHOADS

On Behalf Of: ASHLYN HENRY, L H

Associated Entries: 04/21/2023 -

## Order

۲

Motion Filed

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 2 of 31 PageID #: 9

Motion for Permission To Use Initials.
Filed By: DANIEL J RHOADS
Associated Entries: 04/21/2023 
Order
+

Pet Filed in Circuit Ct

Petition for Damages.
Filed By: DANIEL J RHOADS

Order

ORDER GRANTING LEAVE TO USE INTIALS FOR MINOR PARTIES, AS PER MEMORANDUM. WCM BY MLM
Associated Entries: 04/21/2023 
Proposed Order Filed

Judge Assigned

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 3 of 213 Page 

Compare 

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# IN THE 11th JUDICIAL CIRCUIT COURT COUNTY OF ST. CHARLES STATE OF MISSOURI

L.H., a minor, by and through	)
Next Friend, ASHLYN HENRY,	)
Plaintiff,	
	Cause No.
VS.	
	Division No.:
WENTZVILLE R-IV SCHOOL DISTRICT,	<u></u>
Serve at: 280 Interstate Dr.	)
Wentzville, MO 63385	)
	)
MEGAN SUTTON, Ed.D.,	)
Serve at: 612 Blumhoff Ave.	)
Wentzville, MO 63385	)
	)
JANE DOE 1,	)
	, )
JANE DOE 2,	)
	JURY TRIAL DEMANDED
Defendants.	, )

# **PETITION FOR DAMAGES**

COMES NOW Plaintiff, L.H., a minor, by and through Next Friend, Ashlyn Henry, by counsel, Daniel J. Rhoads of **THE RHOADS FIRM, LLC**, and for her causes of action against Defendants, Wentzville R-IV School District and Jane Doe, pleads the following facts upon her personal knowledge and information:

# Parties

1. L.H. is, and at all times relevant to this Petition was, a minor, female child with a disability.

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2. Defendant Wentzville R-IV School District ("WSD") is a public school district located within the County of St. Charles, State of Missouri. WSD is a political subdivision of the State, a public corporation, and a "person" by statute.

- 3. Defendant Megan Sutton is an adult employee of WSD. At the times relevant to this Petition, Sutton was the Principal of Heritage Primary School ("the School"). Defendant Sutton is sued in her Individual Capacity.
- 4. Defendant Jane Doe 1 is a school employee to whom L.H. refers as "Miss K." Defendant Jane Doe 1 is sued in her Individual Capacity.
- 5. Defendant Jane Doe 2 is the school nurse who was working at the School on the date when L.H. was first injured at school, as described below. Defendant Jane Doe 2 is sued in her Individual Capacity.

# Jurisdiction and Venue

- 6. This Petition arises under the statutes and common law of the State of Missouri and of the United States; and Plaintiff has suffered damages in excess of \$25,000.
- 7. L.H. was first injured by the wrongful acts or negligent conduct of Defendants in the County of St. Charles, State of Missouri.

# **District Policies and Regulations**

- 8. WSD, through its Board of Education, develops and promulgates policies, administrative procedures, and regulations that govern the management, administration, and operations of its schools, which include Heritage Primary.
- 9. WSD Policy 2730, "Supervision of Students," states: "Students are to be under supervision of the professional staff at all times during school hours and at school sponsored activities. It is the responsibility of principals to arrange for adequate supervision."

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- 10. WSD Policy 2730 imposes upon the principal a ministerial duty to arrange for adequate supervision of students at all times during school hours.
- 11. WSD Policy 2830, "Health Services," states: "The District will be responsible for providing first aid or emergency treatment for students in cases of sudden illness or injury. Where necessary, and with notice to the parent-guardian, emergency health services will be secured."
- 12. WSD Policy 2830 imposes upon WSD a duty and on the nurse a ministerial duty to provide first aid or emergency treatment for students in cases of sudden illness or injury and, where necessary, to secure emergency health services.

# Facts Applicable to All Counts

- 13. During the fall of 2021, L.H. was a student at the School.
- 14. L.H. is a child with a disability who had an Individualized Education Plain ("IEP").
- 15. In the fall of 2021, L.H. was practically nonverbal.
- 16. L.H.'s IEP required that she have adult support "anytime that [L.H.] is outside of the special education classroom for support for peer interaction, safety awareness, and modification of curriculum."
- 17. The adult support required by L.H.'s IEP entailed a one-to-one aide, or paraprofessional.
- 18. Upon information and belief, on or about September 27, 2021, at the School, Jane Doe 1 struck L.H., or contacted L.H. in such a manner as to cause her head to strike a wall inside the School.
  - 19. The strike against L.H.'s head caused her to suffer an injury.
  - 20. After and despite L.H.'s injury, she was taken outside to the playground.

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- 21. While on the playground, L.H.'s paraprofessional left her in order to attend to something else.
- 22. When L.H.'s paraprofessional left, L.H. fell to the ground. She became pale, and her eyes rolled back in her head.
  - 23. L.H. was brought inside the School building.
  - 24. Inside the School building, L.H. lost consciousness and defecated in her pants.
- 25. Jane Doe 2 did not provide first aid or emergency treatment for L.H. and did not secure emergency health services for L.H.
  - 26. The School called L.H.'s parents, who then went to the School.
  - 27. When L.H.'s parents arrived, L.H. vomited.
- 28. L.H.'s parents heard varying stories about how, when, and where she was injured, which contradicted each other.
  - 29. L.H.'s parents took her to a hospital, where she underwent a CT scan.
- 30. On the same afternoon, L.H. was transferred to another hospital, where the medical records indicate that she was saying, "Mean!," and was "yelling and upset while in the exam room."
- 31. Eventually, L.H. was diagnosed with a concussion and traumatic subdural hemorrhage with loss of consciousness.
- 32. L.H. has suffered many sequelae of her injury, including speech apraxia; problems with gait and balance; a motor tic disorder; and, most recently, seizures.
- 33. As a direct and proximate result of Defendants' actions and failures, Plaintiff was deprived of educational performance, opportunities, or benefits.

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34. As a direct and proximate result of Defendants' conduct, L.H. has suffered and continues to suffer damages, including but not limited to (a) injuries to her head; (b) physical pain and suffering; (c) ongoing medical effects, as described above; and (d) emotional pain, suffering, inconvenience, and mental anguish.

# Count I – § 504 of the Rehabilitation Act Defendant WSD

- 35. Plaintiff incorporates the averments made above as if they were fully set forth herein.
- 36. L.H. was, at all times relevant to this Petition, a handicapped individual in that she has a physical or mental impairment which substantially limits one or more of her major life activities.
  - 37. L.H. was otherwise qualified for participation at the School and in WSD.
- 38. L.H. was excluded from participating in, and was denied the benefits of, the WSD program of education in that she was injured when WSD failed to provide her the adult support and supervision required by her disability.
- 39. By failing and refusing to provide the necessary adult support and student supervision, WSD acted with bad faith or gross misjudgment in that their staffing and supervision deviated so substantially from accepted professional judgment, practice, or standards as to demonstrate that they acted with wrongful intent.
- 40. As a direct and proximate result of such disability discrimination, L.H. suffered damages as specified above.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count I; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that she has sustained and is reasonably certain to sustain in the future as a direct

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result of Defendants' conduct; and award Plaintiff such additional relief that the Court deems just and proper.

# Count II – Americans with Disabilities Act Defendant WSD

- 41. Plaintiff incorporates the averments made above as if they were fully set forth herein.
  - 42. L.H. was, at all times relevant to this Petition, a child with autism.
- 43. L.H.'s autism substantially limited her ability, among other things, to learn, speak, interact with peers, be aware of safety risks, and protect herself.
  - 44. WSD knew of L.H.'s autism.
- 45. L.H. could have participated in school safely if she had been provided with one-to-one adult support anytime that she was outside of the special education classroom.
- 46. Providing L.H. with one-to-one adult support anytime that she was outside of the special education classroom would have been reasonable.
- 47. WSD failed to provide one-to-one adult support to L.H. when she was outside of the special education classroom on the date of the occurrence.
- 48. As a direct and proximate result of such failure to provide reasonable accommodation, L.H. suffered damages as specified above.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count II; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that she has sustained and is reasonably certain to sustain in the future as a direct result of Defendants' conduct; and award Plaintiff such additional relief that the Court deems just and proper.

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# Count III – Negligence Defendant Sutton

49. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

50. Defendant Sutton owed to L.H., as a student at the School, a ministerial duty to arrange for adequate supervision of students at all times during school hours.

- 51. Defendant Sutton breached her duty by failing to arrange for adequate supervision of L.H. at the time and place of L.H.'s injuries at the School.
- 52. L.H. was injured as a result of the lack of supervision at the School on the date specified above.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count III; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate her for all damages that she has sustained and is reasonably certain to sustain in the future as a direct result of Defendant's conduct; and award Plaintiff such additional relief that the Court deems just and proper.

# <u>Count IV – Battery</u> <u>Defendant Jane Doe 1</u>

- 53. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.
- 54. Defendant Jane Doe 1 struck L.H. or contacted L.H. in such a manner as to cause her head to strike a wall inside the School.
  - 55. Defendant Jane Doe 1 thereby caused L.H. bodily harm.
- 56. As a result of Defendant Jane Doe 1's bodily harm to L.H., Plaintiff suffered personal injuries and incurred costs and expenses for the treatment thereof.

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WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count IV; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that she has sustained and is reasonably certain to sustain in the future as a direct result of Defendant's conduct; and award Plaintiff such additional relief that the Court deems just and proper.

# Count V – Failure to Provide Treatment Defendants WSD and Jane Doe 2

- 57. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.
- 58. Defendant WSD assumed a duty, under its Policy 2830, to provide first aid or emergency treatment and to secure emergency health services for L.H. when she was injured at the School.
- 59. Defendant Jane Doe 2 owed L.H. a ministerial duty to provide first aid or emergency treatment and to secure emergency health services for L.H. when she was injured at the School.
- 60. Defendants breached their duties under Policy 2830 by failing to provide any care or treatment and failing to secure emergency health services for L.H. when she was injured at school.
- 61. As a direct and proximate result of Defendants' breaches of duties, L.H. suffered damages.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count V; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate her for all damages that she has sustained and is reasonably certain to sustain in the future as a direct

result of Defendant's conduct; and award Plaintiff such additional relief that the Court deems just and proper.

RESPECTFULLY SUBMITTED

Daniel J. Rhoads, 59590
THE RHOADS FIRM, LLC

8123 Delmar Blvd., Suite 200 St. Louis, MO 63130

Phone: (855) 895-0997 Fax: (314) 754-9103

therhoads firmllc@gmail.com

Attorney for Plaintiff L.H., a minor, by and through Next Friend, Ashlyn Henry 

# IN THE 11th JUDICIAL CIRCUIT COURT COUNTY OF ST. CHARLES STATE OF MISSOURI

L.H., a minor, by and through	)
Next Friend, ASHLYN HENRY,	)
	)
Plaintiff,	
	Cause No.
VS.	)
	Division No.:
WENTZVILLE R-IV SCHOOL DISTRICT,	
Et al.,	
Defendants.	

# PLAINTIFF'S MOTION FOR PERMISSION TO USE INITIALS

COMES NOW Plaintiff, L.H., a minor, by and through her Next Friend, and by counsel, and hereby moves the Court for an Order permitting Plaintiff to refer to L.H. by her initials, in lieu of using her full name. As reflected by the Petition, Plaintiff is a minor child with a disability who was injured in school. In the interests of privacy and prudence, this minor should not be required to disclose her full name in public court records. No party will suffer prejudice from the use of the minor's initials.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court permit Plaintiff to use initials to identify L.H. in this matter and order all parties to refer to L.H. only by her initials in any pleadings publicly filed with the Court.

RESPECTFULLY SUBMITTED

Daniel J. Rhoads, 59590
THE RHOADS FIRM, LLC
8123 Delmar Blvd., Suite 200
St. Louis, MO 63130

Phone: (855) 895-0997 Fax: (314) 754-9103

therhoadsfirmllc@gmail.com

Attorney for Plaintiff L.H., a minor, by and through Next Friend, Ashlyn Henry Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 14 of 23 Page 14 of 23 Page

# IN THE 11th JUDICIAL CIRCUIT COURT COUNTY OF ST. CHARLES STATE OF MISSOURI

L.H., a minor, by and through Next Friend, ASHLYN HENRY,	) )
Plaintiff, vs. WENTZVILLE R-IV SCHOOL DISTRICT, Et al., Defendants.	) ) Cause No. ) Division No.: )
ORDER GRANTING LEAVE TO	USE INITIALS FOR MINOR PARTIES se Initials to refer to Plaintiff L.H. is hereby granted. her initials.
It is so ordered.	
Date	Judge

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 15 of 31 PageID #: 22

FILED

# IN THE 11th JUDICIAL CIRCUIT COURT COUNTY OF ST. CHARLES STATE OF MISSOURI

APR 2 1 2023 CIRCUIT CLERK ST. CHARLES CO.

L.H., a minor, by and through Next Friend, ASHLYN HENRY,		
Plaintiff, )	Cause No.	2311-CC 00415
vs. )	Division No.:	1
WENTZVILLE R-IV SCHOOL DISTRICT,)		
<u>Et al.</u> ,		
Defendants. )		•

# ORDER GRANTING LEAVE TO USE INITIALS FOR MINOR PARTIES

Plaintiff' Motion for Permission to Use Initials to refer to Plaintiff L.H. is hereby granted.

All pleadings shall identify Plaintiff L.H. by her initials.

It is so ordered.

Data

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 16 of 31 PageID #: 23



# IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: REBECA NAVARRO-MCKELVEY	Case Number: 2311-CC00415	
Plaintiff/Petitioner: ASHLYN HENRY  vs.	Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 SAINT LOUIS, MO 63130	
Defendant/Respondent: WENTZVILLE SCHOOL DISTRICT	Court Address: 300 N 2nd STREET	
Nature of Suit: CC Pers Injury-Other	SAINT CHARLES, MO 63301	(Date File Stamp)

Nature of Suit:		SAINT CHARLES, MO 6330	01		
CC Pers Injury-Other				(Date F	File Stamp)
	Sui	mmons in Civil Case	`	(2010)	O. (2.1.1.1.p)
The State of Misseuri t		OOL DISTRICT INTERSTATE			
The State of Missouri t	Alias:	OOL DISTRICT INTERSTATE	E DK		
280 INTERSTATE DR WENTZVILLE, MO 63385	Alido.				
COURT SEAL OF	copy of which is a plaintiff/petitioner exclusive of the da	d to appear before this cour ttached, and to serve a copy at the above address all with ay of service. If you fail to file ou for the relief demanded in	of your pleading hin 30 days after ro e your pleading, ju	upon the att	torney for s summons,
ST. CHARLES COUNTY	4/24/2	023	/S/ Cheryl	Crowder	
OT. SHAREES SOONT	Date	e	Cler		
	Further Information:	neriff's or Server's Return			
I certify that I have served delivering a copy of the leaving a copy of the	he summons and petition to summons and petition at the summons and petition at the poration) delivering a copy of	rned to the court within 30 days a (check one) o the defendant/respondent. he dwelling house or usual place, a person at least of the summons and petition to: (name)	of abode of the defent t 18 years of age resid	ding therein.	
		(Hame)			
Served at					_ (address)
in	(County/Cit	y of St. Louis), MO, on	(dat	e) at	(time).
District No.	(Ob wiff on O		0'		
Printed Nan	ne of Sheriff or Server	-t	Signature of She	eriii or Server	
(Seal)		otary public if not served by an author before me on		(date).	
(GCai)	My commission expires:		Nota	ıry Public	
Sheriff's Fees, if applical					
Summons	\$				
Non Est	\$				
Sheriff's Deputy Salary	<b>A</b> 40.00				
Supplemental Surcharge	\$ 10.00		`		
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see Supreme Court Rule s		on <b>each</b> defendant/respondent. F	or methods of service	e on an classe	S OF SUITS,

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 17 of 31 PageID #: 24



# IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: REBECA NAVARRO-MCKELVEY	Case Number: 2311-CC00415	
Plaintiff/Petitioner: ASHLYN HENRY	Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 S. SAINT LOUIS, MO 63130	
Defendant/Respondent: WENTZVILLE SCHOOL DISTRICT	Court Address: 300 N 2nd STREET	
Nature of Suit: CC Pers Injury-Other	SAINT CHARLES, MO 63301	(Date File Stamp

Nature of Suit:		OAIIVI OHARLEO, MO 03	301	
C Pers Injury-Other		(Date File Stamp)		
	Sui	mmons in Civil Cas	se	
The State of Missouri to 332 MCLNTYRE CT	o: MEGAN SUTTON Alias:			
WENTZVILLE, MO 63385				
COURT SEAL OF	copy of which is at plaintiff/petitioner exclusive of the da	d to appear before this cou ttached, and to serve a cop at the above address all w ny of service. If you fail to f ou for the relief demanded	by of your pleading ithin 30 days after ro ile your pleading, ju	upon the attorney for eceiving this summons,
ST. CHARLES COUNTY	4/24/2	023	/S/ Cheryl	Crowder
	Date	Э	Cler	k
	Further Information:	neriff's or Server's Return		
I certify that I have serve delivering a copy of the leaving a copy of the	d the above Summons by: ne summons and petition to summons and petition at to oration) delivering a copy of	o the defendant/respondent. he dwelling house or usual place, a person at lea of the summons and petition to: (name)	ce of abode of the defen ast 18 years of age residen	ndant/respondent with ding therein.
				(address)
		y of St. Louis), MO, on		,
Printed Nam	ne of Sheriff or Server		Signature of She	eriff or Server
	Must be sworn before a no	otary public if not served by an a	uthorized officer:	
(Seal)	Subscribed and sworn to	before me on		(date).
	My commission expires:	Date	Nota	ary Public
Sheriff's Fees, if applicat				,
Summons	\$			
Non Est	\$			
Sheriff's Deputy Salary				
Supplemental Surcharge	\$ 10.00			
Mileage	\$(	miles @ \$ per m	ile)	
Total	\$			
A copy of the summons ar see Supreme Court Rule 5		on <b>each</b> defendant/respondent	. For methods of service	e on all classes of suits,

STATE OF MISSOURI	)
	) ss
ST. CHARLES COUNTY, MISSOURI	)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

## NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Pursuant to Missouri Supreme Court Rule 17, the Circuit Court of St. Charles County, Missouri (Eleventh Judicial Circuit) has adopted a local rule to encourage voluntary alternative dispute resolution. The purpose of the rule and the program it establishes is to foster timely, economical, fair and voluntary settlements of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial.

This program applies to all civil actions other than cases in the small claims, probate and family court divisions of the Circuit Court, and you are hereby notified that it is available to you in this case.

The program encourages the voluntary early resolution of disputes through mediation. Mediation is an informal non-binding alternative dispute resolution process in which a trained mediator facilitates discussions and negotiations among the parties to help them resolve their dispute. The mediator is impartial and has no authority to render a decision or impose a resolution on the parties. During the course of the mediation, the mediator may meet with the parties together and separately to discuss the dispute, to explore the parties' interests, and to stimulate ideas for resolution of the dispute.

A list of mediators approved by the court and information regarding their qualifications is kept by the Circuit Clerk's Office. If all parties to the suit agree to mediation, within ten days after they have filed the Consent to Mediation Form on the reverse side of this page with the Clerk of the Court, they shall jointly select from that list a mediator who is willing and available to serve. If the parties cannot agree upon the mediator to be selected, the Court will make the selection.

The full text of the Circuit Court's local court rules, including Rule 38 Alternative Dispute Resolution, is available from the Clerk of the Circuit Court or at: <a href="http://www.courts.mo.gov/hosted/circuit11/Documents/LOCAL\_COURT\_RULES.pdf">http://www.courts.mo.gov/hosted/circuit11/Documents/LOCAL\_COURT\_RULES.pdf</a>

A copy of this Notice is to be provided by the Clerk of the Circuit Court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

STATE OF MISSOURI	)
ST. CHARLES COUNTY, MISSOURI	) ss. )
	ST. CHARLES COUNTY, MISSOURI
Plaintiff(s), vs.  Defendant(s).	) ) Cause # ) )
CONSENT TO	MEDIATION FORM
subject of mediation under the Court's Alter in this case and that:  We believe that mediation would be	in this case, hereby certify that I have discussed the native Dispute Resolution Program with my client(s) helpful in this case and consent to the referral of the similar consents by all other parties in the case. his case to mediation.
	Signature
	(Print Name)
	Attorney for:
	(Party or Parties)
Date:	

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 20 of 31 PageID #: 27

# IN THE 11th JUDICIAL CIRCUIT COURT COUNTY OF ST. CHARLES STATE OF MISSOURI

L.H., a minor, by and through	)		
Next Friend, ASHLYN HENRY,	)		
	)		
Plaintiff,	)		
••	)	Cause No.	2311-CC00415
VS.	)		
	)	Division No.:	1
WENTZVILLE R-IV SCHOOL DISTRIC	T,)		
<u>Et al</u> .,	)		
	)		
Defendants.	)		

# PETITION FOR APPOINTMENT OF NEXT FRIEND

Comes now Ashlyn Henry ("Mrs. Henry"), Petitioner herein, and requests appointment as Next Friend in the above-styled case. Petitioner is the natural mother of minor L.H. Together with Petitioner's husband, who is L.H.'s father, Mrs. Henry has full legal and physical custody of L.H.

anny Deny	Date:	5-1-	3073
(Signature of Petitioner)			
149 Home Shive DV.			
(Address)			
Wentsville, MO 03385			

WHEREFORE, Ashlyn Henry humbly prays that this Court appoint her as L.H.'s Next Friend in connection with the Petition against Defendants.

RESPECTFULLY SUBMITTED

Daniel J. Rhoads, 59590

THE RHOADS FIRM, LLC 8123 Delmar Blvd., Suite 200

Electronically Filed - St Charles Circuit Div - May 01, 2023 - 02:53 PM

St. Louis, MO 63130 Phone: (855) 895-0997 Fax: (314) 754-9103

therhoadsfirmlle@gmail.com

Attorney for Plaintiff L.H., a minor, by and through Next Friend, Ashlyn Henry

# IN THE 11th JUDICIAL CIRCUIT COURT COUNTY OF ST. CHARLES STATE OF MISSOURI

FILED

		MAY 0 3 2023
L.H., a minor, by and through Next Friend, ASHLYN HENRY,		CIRCUIT CLERK ST. CHARLES CO
Plaintiff,	Cause No.	2311-CC00415
VS.	Division No.:	1
WENTZVILLE R-IV SCHOOL DISTRICT	)	
Et al.,	)	
Defendants.	) )	

# PETITION FOR APPOINTMENT OF NEXT FRIEND

COMES NOW Ashlyn Henry ("Mrs. Henry"), Petitioner herein, and requests appointment as Next Friend in the above-styled case. Petitioner is the natural mother of minor L.H. Together with Petitioner's husband, who is L.H.'s father, Mrs. Henry has full legal and physical custody of L.H.

(Signature of Petitioner)

149 Horne Shive Dv.

(Address)

We not will MO 13385

WHEREFORE, Ashlyn Henry humbly prays that this Court appoint her as L.H.'s Next Friend in connection with the Petition against Defendants.

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 23 of 31 PageID #: 30

RESPECTFULLY SUBMITTED

Daniel J. Rhoads, 59590
THE RHOADS FIRM, LLC
8123 Delmar Blvd., Suite 200
St. Louis, MO 63130

Phone: (855) 895-0997 Fax: (314) 754-9103

therhoadsfirmllc@gmail.com

Attorney for Plaintiff L.H., a minor, by and through Next Friend, Ashlyn Henry

SO ORDERED:

REBECA NAVARRO-MCKELVEY, JUDGE

DATE: 5/3/23

Case: 4:23-cv-00808-SRC	Doc. #: 1-3	Filed: 06/22/23	Page: 24 of 31 PageID #: 31
IN THE 11TH JUDICIAL C	RCUIT, ST. C	CHARLES COUN	TY, MISSOURI

IN THE 11TH	JUDICIAL CIRCUI	T, ST. CHARLES COUNTY, MISSOUR	43
Judge or Division: REBECA NAVARRO-MCKI	=I VFY	Case Number: 2311-CC00415	10 # 20214
Plaintiff/Petitioner: ASHLYN HENRY	VS.	Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 SAINT LOUIS, MO 63130	BY:
Defendant/Respondent: WENTZVILLE SCHOOL D Nature of Suit:	ISTRICT	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301	
CC Pers Injury-Other			(Date File Stamp)
	Su	mmons in Civil Case	
The State of Missouri to  280 INTERSTATE DR WENTZVILLE, MO 63385  COURT SEAL OF	You are summone copy of which is a plaintiff/petitioner exclusive of the day	ed to appear before this court and to file you attached, and to serve a copy of your pleadir at the above address all within 30 days afte ay of service. If you fail to file your pleading you for the relief demanded in the petition.	r receiving this summons,
The state of the s	4/24/2		ryl Crowder
ST. CHARLES COUNTY	412412		
ST. CHARLES GOOT!	Da	ite	Clerk
OI. OIMILLO OCCITI	Further Information:		Clerk
	Further Information:	Sheriff's or Server's Return	
Note to serving officer:	Further Information:  Summons should be retu	Sheriff's or Server's Return urned to the court within 30 days after the date of iss	
Note to serving officer: I certify that I have serve delivering a copy of the	Further Information:  Summons should be returned the above Summons by the summons and petition at	Sheriff's or Server's Return urned to the court within 30 days after the date of iss y: (check one) to the defendant/respondent. the dwelling house or usual place of abode of the de , a person at least 18 years of age	ue. efendant/respondent with
Note to serving officer: I certify that I have serve delivering a copy of the leaving a copy of the	Further Information:  Summons should be returned the above Summons by the summons and petition at	Sheriff's or Server's Return urned to the court within 30 days after the date of iss y: (check one) to the defendant/respondent. the dwelling house or usual place of abode of the de-	ue. efendant/respondent with
Note to serving officer: I certify that I have serve delivering a copy of the leaving a copy of the	Further Information:  Summons should be returned the above Summons by the summons and petition at	Sheriff's or Server's Return  urned to the court within 30 days after the date of iss y: (check one)  to the defendant/respondent. the dwelling house or usual place of abode of the de, a person at least 18 years of age r y of the summons and petition to:	ue. efendant/respondent with residing therein (title).
Note to serving officer: I certify that I have serve delivering a copy of the leaving a copy of the	Further Information:  Summons should be returned the above Summons by the summons and petition summons and petition at the property of the summons and petition at the summons at	Sheriff's or Server's Return  urned to the court within 30 days after the date of iss y: (check one)  to the defendant/respondent. the dwelling house or usual place of abode of the de, a person at least 18 years of age r y of the summons and petition to:	ue. efendant/respondent with residing therein.
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Note to serving officer: I certify that I have serve delivering a copy of the leaving a copy of the leaving a copy of the other:  other: Served at in	Further Information:  Summons should be returned the above Summons by the summons and petition at the summons and petition at the properties of the summons and petition at the summons at the summons and petition at the summons at the sum	Sheriff's or Server's Return  urned to the court within 30 days after the date of iss y: (check one) to the defendant/respondent. the dwelling house or usual place of abode of the de, a person at least 18 years of age r y of the summons and petition to: (name)	ue.  efendant/respondent with residing therein.  (title) (address)
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Note to serving officer: I certify that I have serve delivering a copy of the leaving a copy of the leaving a copy of the other:  other: Served at in Printed Name	Further Information:  Summons should be returned the above Summons by the summons and petition at the summons at the	Sheriff's or Server's Return  urned to the court within 30 days after the date of iss y: (check one) to the defendant/respondent. the dwelling house or usual place of abode of the de, a person at least 18 years of age r y of the summons and petition to:(name)  City of St. Louis), MO, on  Signature of	efendant/respondent with residing therein.  (title).  (address)  (date) at (time).
Note to serving officer: I certify that I have serve delivering a copy of the leaving a copy of the leaving a copy of the other:  other: Served at in	Further Information:  Summons should be returned the above Summons by the summons and petition at summons and petition at the summons at	Sheriff's or Server's Return  urned to the court within 30 days after the date of iss y: (check one) to the defendant/respondent. the dwelling house or usual place of abode of the de, a person at least 18 years of age r y of the summons and petition to:(name)  City of St. Louis), MO, on  Signature of notary public if not served by an authorized officer: to before me ons:	efendant/respondent with residing therein.  (title).  (address)  (date) at (time).
Note to serving officer: I certify that I have serve delivering a copy of the leaving a copy of the leaving a copy of the other:  other: Served at in Printed Name	Further Information:  Summons should be returned the above Summons by the summons and petition at the summons at the	Sheriff's or Server's Return  urned to the court within 30 days after the date of iss y: (check one) to the defendant/respondent. the dwelling house or usual place of abode of the de, a person at least 18 years of age r y of the summons and petition to:(name)  City of St. Louis), MO, on  Signature of notary public if not served by an authorized officer: to before me ons:	efendant/respondent with residing therein.  (title).  (address) (date) at (time).
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Note to serving officer:  I certify that I have serve delivering a copy of the leaving a copy of the leaving a copy of the other: Served at	Further Information:  Summons should be returned the above Summons by the summons and petition at the summons at the summon	Sheriff's or Server's Return  urned to the court within 30 days after the date of iss y: (check one) to the defendant/respondent. the dwelling house or usual place of abode of the de, a person at least 18 years of age r y of the summons and petition to:(name)  City of St. Louis), MO, on  Signature of notary public if not served by an authorized officer: to before me ons:	efendant/respondent with residing therein.  (title).  (address)  (date) at (time).
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A copy of the summons and petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

miles @ \$.\_\_

Mileage

**Total** 

per mile)

SHERIFF ST CHARLES COUNTY

# Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 25 of 31 PageID #: 32 St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301 636-949-3010

# **RETURN OF SERVICE- SERVED 5/23/23**

Civil #: SD-SER-23-04448



### **Event**

 Total Fees:
 \$39.00

 Total Payments:
 \$39.00

 Total Balance:
 \$0.00

Court Case Docket Number:2311-CC00415Document ID:23-SMCC-846

Court Name: 11TH JUDICIAL CIRCUIT

Court State:MISSOURICourt County:ST CHARLESService Expiration Date:05/24/2023Court Type:Circuit CourtCivil Types:SUMMONS

Civil Document Type: Personal Injury-Other

Zone: Zone 5

## Other(s) Involved (2)

## RHOADS, DANIEL J

Involvement Type: Attorney

Commonplace Name: THE RHOADS FIRM, LLC
Address: 8123 DELMAR BLVD

 Apartment:
 STE 200

 City:
 ST LOUIS

 State:
 MISSOURI

 Zip Code:
 63130

**Phone Number:** (855)-895-0997

HENRY, ASHLYN

Involvement Type: Plaintiff

# **Defendant Data (1)**

Personal Service Only:

Commonplace Name: WENTZVILLE SCHOOL DISTRICT

Address: 280 INTERSTATE DR

City: WENTZVILLE

State: MO Zip Code: 63385

County: ST CHARLES

# Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 26 of 31 PageID #: 33 St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301 636-949-3010

Civil #: SD-SER-23-04448



# Entered By (2)

**Entering Clerk Officer:** McGhee, Robin (215) 05/23/2023 13:41:00

Final Disposition Officer: Matthews, Cory (115) 05/23/2023 16:00:00

Final Disposition Signature:

# **Disposition History (2)**

Served 05/23/2023 16:00 Auto Dispositioned

Active 05/23/2023 13:41 Dispositioned to Default Setting

# Service History (1)

Served

**Date:** 05/23/2023 15:59

Service Type:

Related To: : Defendant

Officer: Matthews, Cory 115

Outcome:

 Time Spent:
 00:00

 Mileage:
 0

Comments: Served to Matthew Kertzman, custodian of records authorized to accept service.

Agency: St. Charles County Sheriff's Department

Beat:

 Address:
 280 Interstate Dr

 City:
 WENTZVILLE

 State:
 MISSOURI

 Zip:
 63385

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 27 of 31 PageID #: 34

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

DANIEL J RHOADS, Attorney for Plaintiff therhoadsfirmllc@gmail.com SERVICE PARTY:

SERVICE EMAIL:

	N	
6	0	
/		)
	Mocce. X	

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 28 of 31 PageID #: 35

# IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

ADECES*			
Judge or Division: REBECA NAVARRO-MCK	ELVEY	Case Number: 2311-CC00415	#0337
Plaintiff/Petitioner: ASHLYN HENRY	VS.	Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 SAINT LOUIS, MO 63130	MAY 2 3 2023
Defendant/Respondent: WENTZVILLE SCHOOL D		Court Address: 300 N 2nd STREET	
Nature of Suit: CC Pers Injury-Other		SAINT CHARLES, MO 63301	(Data File Stema)
con one injury outloo	Sun	nmons in Civil Case	(Date File Stamp)
The State of Missouri to:  332 MCLNTYRE CT WENTZVILLE, MO 63385  COURT SEAL OF	You are summoned copy of which is att plaintiff/petitioner a exclusive of the day	I to appear before this court and to file your placked, and to serve a copy of your pleading at the above address all within 30 days after by of service. If you fail to file your pleading, just of the relief demanded in the petition.	upon the attorney for receiving this summons.
ST. CHARLES COUNTY	4/24/20	23 /S/ Cheryl	Crowder
	Date Further Information:	Cle	rk
l certify that I have served delivering a copy of the leaving a copy of the si (for service on a corpor other:	Summons should be return the above Summons by: e summons and petition to ummons and petition at the ration) delivering a copy or	the defendant/respondent.  e dwelling house or usual place of abode of the deference.  , a person at least 18 years of age resified the summons and petition to:  (name)	ndant/respondent with iding therein(title).
in			(address)
Printed Name	of Sheriff or Server  Must be sworn before a not Subscribed and sworn to I	Signature of Sh tary public if not served by an authorized officer: before me on	eriff or Server  (date).
1.	My commission expires:		ary Public
Sheriff's Fees, if applicable Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge Mileage Total A copy of the summons and	\$\$ \$(	miles @ \$ per mile)	RECEIVED MAY 2 3 2023 ST CHARLES COUNTY
see Supreme Court Rule 54		n each delendariviespondent. For methods of servic	e on all classes of sults,

# Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 29 of 31 PageID #: 36 St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301 636-949-3010

# **RETURN OF SERVICE - NON-EST MOVED**

Civil #: SD-SER-23-04449



## **Event**

 Total Fees:
 \$39.00

 Total Payments:
 \$39.00

 Total Balance:
 \$0.00

Court Case Docket Number:2311-CC00415Document ID:23-SMCC-847

Court Name: 11TH JUDICIAL CIRCUIT

Court State: MISSOURI
Court County: ST CHARLES
Service Expiration Date: 05/24/2023
Court Type: Circuit Court
Civil Types: SUMMONS

Civil Document Type: Personal Injury-Other

Zone: Zone 5

# Party To Be Served Person (1)

### SUTTON, MEGAN

Personal Service Only: No

Involvement Type: Defendant

Address: 332 MCINTYRE CT
City: WENTZVILLE

 State:
 MO

 Zip Code:
 63385

 County:
 ST CHARLES

# Other(s) Involved (2)

### **RHOADS, DANIEL J**

Involvement Type: Attorney

Commonplace Name: THE RHOADS FIRM, LLC
Address: 8123 DELMAR BLVD

 Apartment:
 STE 200

 City:
 ST LOUIS

 State:
 MISSOURI

 Zip Code:
 63130

**Phone Number:** (855)-895-0997

HENRY, ASHLYN

Involvement Type: Plaintiff

## **Defendant Data (1)**

# Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 30 of 31 PageID #: 37 St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301 636-949-3010

Civil #: SD-SER-23-04449

Commonplace Name:

WENTZVILLE SCHOOL DISTRICT

# Entered By (2)

**Entering Clerk Officer:** McGhee, Robin (215) 05/23/2023 13:41:00

Final Disposition Officer: Matthews, Cory (115) 05/23/2023 16:16:00

Final Disposition Signature:

# Disposition History (3)

NonEst 05/24/2023 08:53 MOVED

Served 05/23/2023 16:16 Auto Dispositioned

Active 05/23/2023 13:50 Dispositioned to Default Setting

## Service History (1)

Returned

**Date:** 05/23/2023 16:14

Service Type: Moved

Related To: SUTTON, MEGAN: Defendant

Officer: Matthews, Cory 115

Outcome:

 Time Spent:
 00:00

 Mileage:
 0

Comments: Spoke with Mary Geemar, current resident. Stated that she purchased the house from the defendant

approximately four years ago. Did not have any forwarding contact information. Google search shows that defendant may be a principle at Heritage Primary in the Wentzville School District. Unable to confirm if it is the same person. No additional information on service. Cannot complete service with available information.

Return.

Agency: St. Charles County Sheriff's Department

Beat:

 Address:
 332 McIntyre Ct

 City:
 WENTZVILLE

 State:
 MISSOURI

 Zip:
 63385

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 31 of 31 PageID #: 38

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

DANIEL J RHOADS, Attorney for Plaintiff therhoadsfirmllc@gmail.com SERVICE PARTY:

SERVICE EMAIL: